

ORDINANCES INTRODUCED

**49.82.16 AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE
CITY CODE REGARDING ARTICLE 261 OF THE GENERAL
CITY CODE ENTITLED PLUMBING**

**50.82.16 AN ORDINANCE AMENDING THE CODE OF THE CITY OF
ALBANY BY THE ADDITION OF AN ARTICLE III OF CHAPTER
197 (FIRE PREVENTION) TO BE ENTITLED: “FALSE
ALARMS.”**

RESOLUTIONS INTRODUCED

- 87.82.16R RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING
JACQUELYN RICHARDS AS A MEMBER OF THE
COMMISSION ON HUMAN RIGHTS**
- 88.82.16R RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL
EXPRESSING SUPPORT OF LOCAL LAW N OF 2016, “A LOCAL
LAW OF THE COUNTY OF ALBANY, NEW YORK
PROHIBITING COUNTY GOVERNMENT FROM
DISCRIMINATING AGAINST POTENTIAL EMPLOYEES BASED
ON THEIR CRIMINAL ARREST RECORD”**

Councilmember introduced the following:

Ordinance Number 49.82.16

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE CITY CODE REGARDING ARTICLE 261 OF THE GENERAL CITY CODE ENTITLED PLUMBING

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection (A) of Section 2 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

- A. There is hereby created a Board to be known as the "Examining Board of Plumbers," which shall consist of five (5) members, all residents of the City of Albany, to be appointed by the Mayor of the City of Albany, of whom two (2) and only two (2) shall be an employing or master plumber of not less than ten (10) years' experience each, and one (1) and only one (1) of whom shall be a journeyman plumber. The remaining members shall be the Chief Inspector of Plumbing for the City of Albany and the engineer having charge of sewers in and for the City of Albany. The term of office for each member of such Board shall be three years from the first day of January following his appointment. Vacancies occurring by expiration of term shall be filled by the Mayor for a full term. Vacancies by death, removal, inability to act, resignation or removal from the City of any member shall be filled by him for the unexpired term. The Chief Inspector of Plumbing and Drainage and the engineer in charge of sewers shall be ex officio members of such Board, and when they shall cease to hold their offices by reason or on account of which they were so designated for appointment, their successors shall act on the Examining Board in their stead. Any member or members may be removed by the Mayor for malfeasance in office, incapacity or neglect in duty. Such Board shall elect its own Chairman and Secretary. A majority shall constitute a quorum to transact the business thereof. The Board shall meet at ~~least once each month~~ stated intervals, and shall have authority to hold special meetings ~~if-f~~, in the opinion of the Chairman or a majority, such are desirable for the proper and efficient discharge of the business of such Board. It shall adopt such rules and regulations for the examination of all persons who desire to obtain a license as hereinafter required. The nature of the examinations to be conducted under this chapter shall be determined by the Examining Board, which shall examine the applicants as to their qualifications and fitness to receive a license to engage in the business of plumbing. The master and journeymen plumbers serving as members of such Board shall

receive such compensation as shall be determined by the Board of Estimate and Apportionment.

B. The Examining Board of Plumbers shall have power and it shall be its duty to:

[Amended 10-20-1997 by Ord. No. 17.41.97]

(1) Have jurisdiction over and examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing or master plumbers in the City of Albany, with the power to examine persons applying for licenses as such employing or master plumbers or as inspectors of plumbing to determine their fitness and qualifications for conducting the business of master plumbers or to act as inspector of plumbing and issue licenses to all such persons who shall have passed said examination before such Board and shall be, by it, determined to be qualified for conducting business as employing or master plumbers or competent to act as inspectors of plumbing.

(2) Formulate, in conjunction with the local Board of Health, a code of rules regulating the work of plumbing and drainage in the City of Albany, including the materials, workmanship and manner of execution of such work, and from time to time add to, amend or alter the same. Said code of rules shall be in addition to the minimum requirements set forth by the most current New York State Plumbing, Fuel Gas and mechanical Codes, or their equivalent as authorized by Article 18 of the Executive Law of the State of New York and Chapter 375, Article XVII of the Code of the City of Albany, captioned, Flood Damage Prevention.

(3) Charge and collect from each person applying for examination the a sum of \$15 for each examination made by such Board, and all moneys so collected shall be paid over by the Board monthly to the ~~Comptroller~~ Treasurer of the City of Albany.[Amended 5-19-2008 by Ord. No. 25.42.08]

~~(4) Have jurisdiction over and issue apprentice training and journeyman identification cards. An apprentice training identification card allows a person to be employed by a licensed plumber to do plumbing work under the supervision of a licensed plumber. A journeyman identification card allows a person with the requisite journeyman plumbing qualifications to install plumbing under the supervision of a licensed plumber.~~

(~~5~~ 4) Adopt rules and regulations to govern its actions in exercising its powers and duties. A majority vote of the whole Board is required for the adoption or amendment of any rule or regulation. Twenty days' written notice of any proposed amendments to the rules and regulations must be given to all Board members.

Section 2. Section 4 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

- A. Every person desiring to procure a certificate of competency as herein provided shall make application to the Commissioner of Buildings for the City of Albany for examination in such form and detail as the Examining Board of Plumbers may prescribe.
- B. ~~In case of a corporation, any one (1) or more officers who separately or aggregately hold and own at least fifty-one per centum (51%) of the issued and outstanding capital stock who supervise all work done and who pass the examination and procure a certificate of competency shall be entitled to obtain a license in the name of the corporation. When such executive member severs his relations with such corporation, it shall promptly designate another officer with qualifications who shall present himself for examination when notified so to do by the Commissioner of Buildings. If such designation and successful examination do not take place within a reasonable time, then the Examining Board of Plumbers shall notify the Commissioner of Buildings, who must then revoke the license of the corporation. In case of a partnership, any one (1) of the partners who supervises all work done and who passes the examination and procures a certificate of competency shall be entitled to receive a license in behalf of the name of the partnership.~~ A domestic corporation desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in a city of this state, as employing or master plumber, may do so provided one or more officers of such corporation separately or aggregately actually hold and own at least fifty-one per centum of the issued and outstanding capital stock of said corporation, and provided that each of such officers holding such percentage of the stock is the holder of a certificate of competency of such board of the city in which it conducts or proposes to conduct such business as provided in section forty-five of the General City Law of the State of New York. In case one or more officers of a corporation engaged in such business shall die, being the holder of a certificate of competency, the corporation may continue the business during the time necessarily required for the administration of the estate of such deceased officer, not exceeding two years from the granting of letters, provided one or more officers of the corporation is the holder of a certificate of competency and together with the legal representatives of such deceased officer or officers, actually owns and holds at least fifty-one per centum of the issue and outstanding capital stock of the said corporation. Each and every member of said corporation holding a certificate of competency shall comply with all the rules and regulations applicable to master or employing plumbers in the locality in which the corporation is engaged in business. Such corporation shall register as provided in section forty-six of the General City Law of the State of New York.

Section 3. Section 5 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

Upon notification by the Secretary of the Examining Board of Plumbers to the Commissioner of Buildings that the applicant has passed the examination and has met all the requirements of the Board to engage in the business of plumbing, the Commissioner of Buildings, provided that the

license fee herein is paid, shall, except as herein provided and subject to any additional requirements of the General City Law of the State of New York, issue to the applicant a license to engage in or work at the business as provided in § 261-3. All licenses shall be numbered in the order in which they are issued and shall state clearly the name and address of the licensee and the fee paid. Such license shall be valid for one (1) year, but the same can and may be renewed without further examination if application is made to the Commissioner of Buildings for renewing the same not less than thirty (30) days before the expiration of such certificate and no charges of delinquency are proven against such applicant. ~~An applicant who has failed in the first examination shall not be eligible for reexamination until after one (1) month from the date of such failure. The applicant who fails twice or more shall not be further eligible for reexamination until after six (6) months from the date of the second or such subsequent failure.~~

Section 4. Section 8 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

A non-refundable deposit equal to the fee for the current calendar year must accompany each application for examination. ~~In case the candidate passes the examination, such deposit shall be retained to cover examination and fee for the current calendar year. In case of failure to pass the examination, said deposit shall be returned to the applicant.~~

Section 5. Section 11 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

The Examining Board of Plumbers shall meet during the three months after the enactment of this chapter and as often as necessary to consider all applications received by it. Thereafter the Examining Board of Plumbers shall meet within 30 ~~40~~ days of the receipt of any application from the Commissioner of Buildings. Final action upon any application shall be made by the Examining Board of Plumbers within ~~three weeks~~ 30 days after the receipt of the same, and during said three weeks the Commissioner of Buildings, upon the recommendation of the Examining Board of Plumbers, shall grant working permits pending examination.

Section 6. Section 16 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

- A. Whenever any inspector or other person reports a violation of any such rules and regulations for plumbing and drainage or deviation from any approved plan or specification for plumbing or drainage filed with any board or department, the Commissioner of the Department of Buildings shall first serve a notice of the violation thereof upon the master plumber doing the work.
- B. Such notice may be served personally or by mail, and, if by mail, it may be addressed to such master plumber at the address registered by said master plumber, but the failure of a master plumber to register will relieve the official or board who or which appoints the plumbing inspector from the requirement of giving notice of violation. Unless the

violation is removed within three days after the day of serving or mailing such notice, exclusive of the day of service or mailing such notice, the Commissioner of the Department of Buildings may proceed according to law.

Section 7. Section 17 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

~~Any person who himself or itself, or by his or its clerk, agent or employee, shall engage in or work at the business of plumbing without first obtaining a license or shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto or who, having had his license revoked, shall continue to engage in or work at such business shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine of not less than \$75 nor more than \$125 or to imprisonment for not less than 10 days nor more than 30 days, or to both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense. In addition to the penalty imposed, the license of the person violating the same may be revoked.~~

Any person violating any of the provisions of this article, or any rules or regulations of the board of health or of the examining board of plumbers in any city regulating the plumbing and drainage of buildings in such city, shall be guilty of a misdemeanor, and on conviction, if a master plumber, shall in addition, forfeit any certificate of competency or registration, which he may hold under the provisions thereof.

Section 8. Section 18 of Chapter 261 of the Code of the City of Albany is amended to read as follows:

~~§ 261-18 — Eligibility for examination.~~

~~Any person, upon proof of one year's experience as a journeyman plumber, shall be eligible to take the examination for a license as a master or employing plumber.~~

Section 9. This local law shall take effect immediately.

**APPROVED AS TO FORM
August 5, 2016**

To: Nala R. Woodard, City Clerk

From: Marisa Franchini, First Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: August 8, 2016

ORDINANCE NUMBER 49.82.16

TITLE

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE CITY CODE
REGARDING ARTICLE 261 OF THE GENERAL CITY CODE ENTITLED PLUMBING

GENERAL PURPOSE OF LEGISLATION

The purpose of the legislation is to update our City code to be consistent with the General City
Law with respect to the Examining Board of Plumbers and the practice of plumbing. These
changes have been recommended by the Board by resolution dated July 26, 2016.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Changes to the City Code require Council approval.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

FISCAL IMPACT(S)

N/A

Councilmember offered the following:

ORDINANCE 50.82.16

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ALBANY BY THE ADDITION OF AN ARTICLE III OF CHAPTER 197 (FIRE PREVENTION) TO BE ENTITLED: “FALSE ALARMS.”

Section 1. The Code of the City of Albany is hereby amended by adding a new Article III of Chapter 197 to read as follows:

**ARTICLE III
FALSE ALARMS**

197-20. Definitions.

- A. “Alarm system” means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of any emergency at a protected premises to which the police or fire department are expected to respond. “Alarm system” shall not include devices installed on a motor vehicle unless the motor vehicle is permanently located at a site.
- B. “False Alarm Notification” means an alarm system notification to the police or fire department, when there is no evidence of criminal offense, attempted criminal offense, smoke, fire or other emergency regardless whether or not the alarm was caused by malfunction or intentional or negligent misuse or abuse. Excluded from this definition are:
 - 1. Alarm occurring during severe electrical storms, hurricanes, tornadoes, blizzards and acts of God; or
 - 2. The disruption of the telephone circuits beyond the control of the alarm user or alarm agent; or
 - 3. Electrical power disruption or failure; or
 - 4. Alarms caused by a criminal act; or
 - 5. Alarms in any city-owned buildings.
- C. “Alarm user” means any owner or lessee of property having an alarm device or system of devices on such premises.
- D. “Emergency agency” means the Albany Police Department or the Albany Department of Fire and Emergency Services.
- E. “Alarm agent” means any entity engaged in the business of owning, operating, maintaining, installing, leasing or selling an alarm device or devices or system of alarm devices who is responsible for the maintenance of such alarm device.

197-21. Alarm agent registrations.

- A. Every alarm agent who seeks to operate in the City shall apply to the City Clerk for registration on a form to be supplied by the Clerk. Upon the adoption of this chapter, all current alarm agents shall register with the Clerk within 60 days of such adoption.
- B. An application for an alarm registration shall be denied if the alarm agent applicant has failed to fully pay any false alarm notifications fees that are currently owed and for which the alarm agent is not seeking an appeal of the assessment of those fees.
- C. Registrations shall be valid for two years from the date of issuance.
- D. It shall be unlawful for any person to install, lease or sell an alarm device or devices or system of devices without having first registered with the Clerk as provided by this section.

197-22. False Alarm Notification Fee

- A. A false alarm notification fee as set forth in this section shall be imposed by the City of Albany for false alarms transmitted to and responded to by an emergency agency.
- B. False alarm notification fees shall be the responsibility of the alarm agent who is responsible for the alarm that caused the false alarm notification.
- C. False alarms notifications shall be recorded by each emergency agency whenever emergency agency apparatus, equipment or personnel are called to a property to respond to a false alarm notification. Each appropriate emergency agency shall notify the alarm agent in writing of each false alarm notification and the service charge associated with such false alarm. Such notification shall also include any necessary remedial action communicated by the emergency agency.
- D. False alarm service charges shall be determined and assessed on a calendar year (12-month period beginning January 1) basis according to the following schedule:

FALSE ALARMS

SERVICE CHARGE

1-3	No charge. Warning letter sent.
4-7	Fifty (\$50) dollars each
8-10	One hundred (\$100) dollars each
11-15	Two hundred (\$200) dollars each
16 or more	Three hundred (\$300) dollars each

- E. All fines must be paid to the City Treasurer's office within 30 days from the date of the written notice sent via first class mail demanding payment of the fine. After such 30-day period has passed, the violator will be charged a late fee of fifty dollars per service charge.

197-23. Appeals.

- A. The alarm agent shall have 14 days from the date of mailing or personal delivery of such notice provided in § 197-22(c) to submit a written appeal to the applicable emergency agency or agencies showing cause as to whether circumstances exist to warrant voiding the false alarm notification. The Chief of the emergency agency or agencies or his or her designee shall review the appeal and issue a written finding to the alarm agent as to whether or not the false alarm record will be voided. The finding of the Chief or his or her designee shall be final.

Section 3. This local law shall take effect immediately.

APPROVED AS TO FORM
August 5, 2016

To: Nala R. Woodard, City Clerk

From: Marisa Franchini, First Assistant Corporation Counsel

Re: Request for Common Council Legislation

Supporting Memorandum

Date: August 5, 2016

ORDINANCE NUMBER 50.82.16

TITLE

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ALBANY BY THE
ADDITION OF AN ARTICLE III OF CHAPTER 197 (FIRE PREVENTION) TO BE
ENTITLED: "FALSE ALARMS."

GENERAL PURPOSE OF LEGISLATION

The purpose of this legislation is to deter the occurrence of fire and security alarms that are
triggered by a non-emergency causes. Alarms that are triggered by malfunction of an alarm
system are a significant waste of emergency personnel resources. By setting forth a series of
warning letters followed by the assessment of modest fines to be paid by the company
responsible for maintaining the alarm, this law will provide companies with the incentive to keep
their alarms in good working order.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Changes to the City Code require Council approval.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

FISCAL IMPACT(S)

N/A

Council Member introduced the following:

Resolution Number 87.82.16R

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JACQUELYN RICHARDS AS A MEMBER OF THE COMMISSION ON HUMAN RIGHTS

WHEREAS, the Common Council of the City of Albany, pursuant to the Section 42-362 of Chapter 42 of the Code of the City of Albany, re-appoints Jacquelyn Richards as a member of the Commission on Human Rights.

NOW, THEREFORE, BE IT RESOLVED, that Jacquelyn Richards is hereby appointed as a member of the City of Albany Commission on Human Rights for a term ending on August 21, 2019.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

TO: Nala Woodard, City Clerk

FROM: Marisa Franchini, First Assistant Corporation Counsel

RE: Request for Common Council Legislation
Supporting Memorandum

DATE: August 5, 2016

RESOLUTION NUMBER 87.28.16R

TITLE: **RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING
JACQUELYN RICHARDS AS A MEMBER OF THE COMMISSION ON HUMAN
RIGHTS"**

GENERAL PURPOSE OF LEGISLATION: Re-appoint Jacquelyn Richards to another three-year term as member of the Commission on Human Rights.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This appointment power rests with the City Council pursuant the City code section 42-362.

FISCAL IMPACT: None.

Councilmember Krasher introduced the following

Resolution 88.82.16R

RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL EXPRESSING SUPPORT OF LOCAL LAW N OF 2016, “A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING COUNTY GOVERNMENT FROM DISCRIMINATING AGAINST POTENTIAL EMPLOYEES BASED ON THEIR CRIMINAL ARREST RECORD”

WHEREAS, the Council agrees with the sponsors of Local Law N that individuals with criminal histories face ongoing discrimination, including employment; and

WHEREAS, it is well-documented that job discrimination based on criminal history disproportionately impacts African-Americans; and

WHEREAS, individuals who have served their time in the criminal justice system should not face a lifelong barrier of finding employment and becoming fully contributing members of society;

WHEREAS, Local Law N strikes the proper balance between fixing an injustice and ensuring the integrity and quality of the Albany County workforce; and

WHEREAS, many prominent national and statewide social justice and civil rights organizations support efforts to “ban the box” including the Drug Policy Alliance, the Human Rights Defense Center, Capital Area Against Mass Incarceration, and Citizen Action; and

WHEREAS, the City of Albany Common Council has previously expressed its support for statewide legislation “banning the box.”

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council supports County Local Law N of 2016; and

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, shall be transmitted to Albany County Legislator Sam Fein, Chairman of the Albany County Legislature Sean Ward, and Albany County Executive Daniel McCoy.

TO: Nala Woodard, City Clerk

FROM: Judd Krasher, Council Member

RE: Request for Common Council Legislation
Supporting Memorandum

DATE: August 5, 2016

RESOLUTION NUMBER 88.28.16R

TITLE: RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL
EXPRESSING SUPPORT OF LOCAL LAW N OF 2016, “A LOCAL LAW OF THE
COUNTY OF ALBANY, NEW YORK PROHIBITING COUNTY GOVERNMENT
FROM DISCRIMINATING AGAINST POTENTIAL EMPLOYEES BASED ON THEIR
CRIMINAL ARREST RECORD”

GENERAL PURPOSE OF LEGISLATION: To officially express the opinion of the
Common Council.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: As
explained in resolution.

FISCAL IMPACT: None.